

REMARKS

With entry of this response, Claims 1-4, 6-12, and 14-16 are pending in the application. The present application is a "Request for a Continued Examination" of a continuing prosecution application filed on July 28, 2000. A priority claim is added to the specification, correcting the claim of priority in the continuing prosecution application filed July 28, 2000.

REJECTION OF CLAIMS 1-16 UNDER 35 U.S.C. § 102(e),(g)

Claims 1-16 have been rejected under 35 U.S.C. § 102(e) and 102(g) as being anticipated by U.S. Patent 5,567,859 to Emanuele *et al.*, hereinafter "Emanuele '859". Applicants respectfully request reconsideration and withdrawal of these rejections.

The Examiner stated that Emanuele '859 teaches a composition comprising polyoxypropylene/polyoxyethylene (POP/POE) block copolymer, as well as either antibiotics, antisense oligonucleotides, triplex DNA compounds, or ribozymes. The Examiner also stated that the preferred embodiments, under Emanuele '859, include a copolymer comprising a 2250-4000 molecular weight POP, 10-30% (w/w) POE. Applicants respectfully traverse this rejection for the reasons stated below.

Emanuele '859, serial no. 08/292,803, is a continuation-in-part (CIP) of Serial No. 08/087,136, or Patent No. 5,523,492 (now Patent No. Re. 36,665). The matter in Emanuele '859 relating to compositions comprising antisense oligonucleotides, triplex DNA compounds or ribozymes, found in Column 1, lines 60-Column 2, lines 6, is new matter added in the continuation-in-part application. Patent No. Re 36,665, hereinafter '665, does not state the specific compositions, or methods of the present invention. The appropriate priority date for the new matter in Emanuele '859 dealing with compositions comprising antisense oligonucleotides, triplex DNA compounds or ribozymes is the filing date for Emanuele '859, August 9, 1994. The priority date for the present application is October 15, 1993. Therefore, Emanuele '859, filed August 9, 1994, is not a prior reference.

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RESPONSE TO FINAL OFFICE ACTION
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Applicants respectfully submit that Emanuele '859 does not anticipate the present invention under §102(e) or §102(g), since '859 cannot be considered a prior reference to the currently claimed compositions and methods of Applicants' invention. Applicants request the Examiner withdraw this rejection.

Version with Markings to Show Changes Made

Amendment in the Specification

In accordance with 37 C.F.R. § 1.121(b), the following replacement paragraph shows all the changes made by the foregoing amendment relative to the previous version of the specification.

Page 1, after line 10, first full paragraph:

The present application is a continuation of U.S. Patent Application Serial No. 09/104,088, filed June 24, 1998, abandoned, which is a continuation in part of U.S. Patent Application Serial No. 08/926,297, filed September 5, 1997, abandoned, which is a continuation of U.S. Patent application Serial No. 08/725,842, filed September 30, 1996, abandoned, which is a continuation of U.S. Patent Application Serial No. 08/138,271, filed October 15, 1993, abandoned.

Status of the Claims


With entry of this response, Claims 1-4, 6-12, and 14-16 are pending in the application.

CLOSING

Applicants respectfully submit that this is a complete response to the Office Action dated August 15, 2001, and that Claims 1-4, 6-12, and 14-16 are patentable. Early and favorable consideration is earnestly solicited. No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment to Deposit Account No. 11-0855.

If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the application which may be corrected by Examiner's Amendment, a telephone call to the undersigned attorney at (404) 815-6500 is respectfully solicited.

Respectfully submitted,


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